

Appl. No.: 09/729578
Amdt Dated: December 9, 2003
Reply to office action of September 10, 2003

REMARKS

The Examiner has object to certain informalities in the specification. The specification has been diligently reviewed to identify any typographical or grammatical errors and to place the specification in condition for allowance. Since the format of the specification as filed did not require numbering of paragraphs, amended paragraphs have been identified in the section Amendments to the Specification, above, both by a number and by a description of the location of the paragraph in the text as filed.

Paragraph [0001] has been amended to include the patent number of the issued parent case, as requested by the examiner.

In Paragraph [0046] "tubings lines" (in line 5 of the paragraph) has been changed to-- tubing lines--.

In Paragraph [0048] "are collected" (line 6 of the paragraph) has been changed to -- is collected -- and "proceed" has been changed to - - precede -- , as noted by the examiner.

In Paragraph [0098] "is a" (line 1 of the paragraph) has been changed to - - is an - -.

In Paragraph [0190] "radius" (line 5 of the paragraph) has been changed to - - radii - -.

In Paragraph [0207] the symbol ω has been added for rotational velocity, as shown in the parent case, column 37 of US Patent 6,200,287, line 21.

In Paragraph [0209] the symbol ω has been added for rotational velocity, as shown in the parent case, column 37 of US Patent 6,200,287, line 26.

In Paragraph [0217] "desireable" (line 8 of the paragraph) has been changed to - - desirable - - .

In Paragraph [0220] "loaded" (line 8 of the paragraph) has been changed to - - load - -.

In Paragraph [0258] "pinon" (line 6 of the paragraph) has been changed to - - pinion - -.

In Paragraph [0266] "Once again, in this "second stage", the rotational velocity during need not be fixed, but may vary" (line 5 of the paragraph) has been changed to - - Once again, during this "second stage", the rotational velocity need not be fixed, but may vary - -, correcting a grammatical error noted by the examiner.

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In Paragraph [0270] "of the of the" (line 6 of the paragraph) has been changed to - - of the - -, correcting a typographical error noted by the examiner.

In Paragraph [0280] and Paragraph [0283], occurrences of "rpms" have been changed to - rpm - -.

In Paragraph [0290] "nonhemolytic" (line 5 of the paragraph) has been changed to - - non-hemolytic - -.

A substitute Abstract has been provided, as requested by the examiner.

In view of the foregoing amendments to correct grammatical and typographical errors and to place the abstract in proper form, it is believed that all objections to the specification have been resolved. No new matter has been added.

Applicants acknowledge with appreciation the examiner's recognition of allowable subject matter in claims 3-6 and 9-12. Claim 3 has been re-written in independent form, and these claims are now believed to be in condition for allowance. A typographical error in claim 7 has been corrected, making claim 7 dependent from claim 3, rather than from claim 1. This correction fully addresses the examiner's rejection of claim 7 under 35 USC 112, since "said set-up phase" in line 1 of claim 7 is fully supported in claim 3. Claims 7 and 8, being directly or indirectly dependent from allowable claim 3, are also believed to be in condition for allowance.

Claim 1, currently amended, more distinctly claims an aspect of this invention wherein plasma extraction and RBC extraction from the blood processing vessel can occur contemporaneously. See, e.g., specification page 113, lines 11-16. Bischof '785 is directed primarily to a finishing device which completes platelet processing outside the centrifugal field after separation of red blood cell and platelet components. Bischof gives no guidance on any method or apparatus for extracting red blood cell components from a blood processing vessel contemporaneously with the extraction of platelet components from the same blood processing vessel. Latham '579, being directed to processing within the centrifugal field, is more explicit and clearly excludes contemporaneous extraction from the blood processing vessel. For example, column 5, lines 47-52 reads:

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"After the platelets and/or WBC have been collected, apparatus 10 begins the RETURN stage. During return, the rotation of bowl 12 is stopped and the remaining blood components in bowl 12 are returned to the donor (by reversal of rotation of pump P1) via phlebotomy needle 24 with valve V1 open."

In this aspect of the invention, different components of blood can be extracted from the blood processing vessel continuously and contemporaneously. This is not shown by Bischof '785. Consequently, the rejection of claim 1 and its dependent claims 13-17 under 35 USC 102(e) should be withdrawn and these claims should be allowed.

Claim 18 as currently amended also specifies that red cell components and platelet components are extracted from the blood processing vessel contemporaneously and the claim is allowable for this reason. In addition, claim 18 specifies that opposed circumferential flows are established for the platelet components and for the red blood cell components within the blood processing vessel. See, e.g., Specification page 64, lines 7-19 and page 65. This aspect of the invention, which contributes to the capability for contemporaneous extraction of blood components from the blood processing vessel, is not shown or suggested in either Bischof '785 or Lantham '579. Claim 18 should be allowed.

Claim 19 has been amended to correct a typographical error wherein "coflowing" had been written for "flowing". Claim 19 should clearly be allowed with its parent claim, Claim 18. Moreover, neither Bischof '785 nor Latham '579 show contemporaneous flowing of separate platelet and plasma components from the blood processing vessel. Separation into component parts within the blood processing vessel is clearly a process that occurs contemporaneously within the blood processing vessel by centrifugal action in both Bischof '785 and Latham '576. In these references, however, the separated components are then removed from the blood processing vessel sequentially. Claim 19 should be allowed.

With regard to claims 2, 20 and 21, each of these claims is allowable with their parent claims, for the reasons set forth above. In addition, since neither Bischof '785 nor Latham '576 teach contemporaneous extraction of blood components from the blood processing vessel, it

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cannot be obvious to establish appropriate conditions favoring contemporaneous extraction. The fact that Latham '576 discloses certain sensors does not lead one of ordinary skill to attempt to optimize conditions for a process that is not taught by the references. These claims should be allowed.

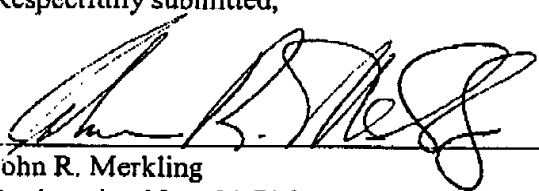
It is believed, therefore, that all the claims pending in the case are in condition for allowance and the Examiner's favorable re-consideration of the claims is earnestly solicited.

If prosecution can be expedited in any fashion by telephonic conference, the Examiner is thus urged to call the undersigned representative at the below-printed telephone number.

Respectfully submitted,

9. DEC 2003

Date


John R. Merkling

Registration No.: 31,716

Gambro, Inc.

10810 W. Collins Avenue

Lakewood, CO 8015

(303) 238-2362